

October 5, 2004

Chairman Michael Powell  
Commissioner Kathleen Abernathy  
Commissioner Jonathan Adelstein  
Commissioner Michael Copps  
Commissioner Kevin Martin  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: Review of the Section 251 Unbundling Obligations for Incumbent Local Exchange Carriers, Docket Nos. 01-338 *et al* (rel. August 21, 2003), *BellSouth Petition for Clarification and/or Partial Reconsideration* (filed Oct. 2, 2003).

Dear Chairman Powell and Commissioners:

We are writing with grave concern about a decision that the Commission is about to make to give fiber to the curb ("FTTC") the same deregulatory treatment as fiber to the home ("FTTH") established under the Commission's Triennial Review Order ("TRO"). We fear that this decision will undermine the Commission's historic decision in the TRO to give carriers maximum deregulation in exchange for a commitment to next generation broadband capability.

You have been told by BellSouth (the petitioner) that "...FTTC is indistinguishable from FTTH in its ability to deliver broadcast or better quality, multi-channel video along with high-speed data and voice services."<sup>1</sup> You have also been told by the petitioner that FTTH can deliver voice, video, and high-speed data at 100 megabits per second (see Attachment A).<sup>2</sup> The truth is, there is no recognized standard for the delivery of such capability over a FTTC network. The attached table (see Attachment B),<sup>3</sup> submitted by the Association for Local Telephone Service in January 2003, accurately reflects the standardized capability of the different architectures. It is the definitive source on the record. As you can readily see from Attachment B, there is no way that FTTC is "indistinguishable" from FTTH. Any assertion otherwise defies the law of physics.

Nonetheless, if the petitioner feels that FTTC is equivalent to FTTH, we believe that you should give it the relief it requests only to the extent it offers for sale a capability that meets or exceeds the transmission capability specified in an internationally recognized standard for FTTH. It should be realized that Verizon, the only ILEC deploying a FTTH

<sup>1</sup> Review of the Section 251 Unbundling Obligations for Incumbent Local Exchange Carriers, Docket Nos. 01-338 *et al* (rel. August 21, 2003), *BellSouth Petition for Clarification and/or Partial Reconsideration* (filed Oct. 2, 2003).

<sup>2</sup> See Letter from Glenn R. Reynolds, Vice President, BellSouth, September 17, 2003, *Ex Parte*, Attach. at 9.

<sup>3</sup> See Association for Local Telecommunications Services ("ALTS") January 23 2004, *Ex Parte*, Attach., *Technical Comparisons between FTTH and FTTC Architectures*.